

# **Indian Child Welfare Case Review**

## **Washington State Tribes and The Department of Social and Health Services The Children's Administration**



## **State and Regional Results**

### **2009 Report**

#### **Children's Administration is committed to:**

- Preserving the cultural heritage of Indian children by ensuring that staff identify Tribal children and connect these children to their Tribes through early Tribal notification.
- Recognizing Tribal rights and cooperating with the Tribe's efforts toward enhanced self-determination relative to child welfare matters.
- Establishing policies and procedures that protect Indian children from unnecessary removal from their families and Tribal communities.

## Acknowledgements



The Children's Administration (CA) would like to acknowledge the extraordinary efforts, dedication and time devoted to the 2<sup>nd</sup> Washington State Indian Child Welfare Case Review by Washington State Tribes, Recognized American Indian Organizations (RAIO), and CA staff.

We would like to give special recognition to an exceptional leader in Indian Child Welfare for her continued support and commitment to this important work. Her ongoing consultation and oversight in the planning and review process was essential to the success of this endeavor.

Liz Mueller  
Jamestown S'Klallam Tribe, Vice Chair  
DSHS Indian Policy Advisory Committee, Chair

We would also like to thank the following ICW administrators, managers and social workers from Washington State Tribes, RAIO's, the Office of Indian Policy and CA for their time, participation and collaborative approach on case review teams throughout the State.

### **Tribes /Recognized American Indian Organizations**

Laura Bluehorse-Swift  
Puyallup Tribe  
ICW Caseworker

Francis Cacalda  
Muckleshoot Indian Tribe  
ICW Program Director

Rosi Francis  
Lower Elwha Klallam Tribe  
CSO/Tribal Social Worker

Gwen Gua  
South Puget Intertribal Planning Agency (SPIPA),  
Social Services Manager

Martha Holiday  
Confederated Tribes of the Colville Reservation,  
Services Division Director

Lynette Jordan  
United Indians of All Tribes Foundation (UIATF),  
Foster Care Coordinator

Robert Ludgate  
Samish Indian Nation  
Family Services Specialist

Rhonda Metcalf  
Sauk-Suiattle Indian Tribe, Tribal Vice Chair  
Health and Social Services Director

Rebecca Peck  
Samish Indian Nation,  
Health and Human Services Director

Tara Reynon  
Puyallup Tribe,  
Children Services Director

Cindy Robison  
N.A.T.I.V.E Project  
Mental Health Therapist

Matilda Sampson  
American Indian Community Center (AICC),  
ICWA/Family Service Manager

Lonnie Spencer  
Puyallup Tribe  
ICW Caseworker

Mike Yates  
Cowlitz Indian Tribe  
ICW Social Worker

### **Office of Indian Policy**

Garnett Charles  
Office of Indian Policy  
Regional Manager

Trudy Marcellay  
Office of Indian Policy  
Regional Manager

### **Children's Administration**

Carmelita Adkins  
Region 3  
Social Work Supervisor

Linda Adkinson  
Region 1  
ICW Tribal Liaison

Evon Aldrich  
Region 5  
ICW Social Work Supervisor

Tim Barbour  
Region 2  
Social Worker

Ebelia Benitez  
Region 2  
Social Worker

Alice Carranza  
Region 2  
Social Work Supervisor

LouAnn Carter  
Region 3  
ICW Social Work Supervisor

Myra Casey  
Region 6  
Regional Administrator

Darlene Kennedy  
Region 5  
ICW Social Work Supervisor

Kelly Lutes  
Region 3  
ICW Social Work Supervisor

Jon Pemberton  
Region 1  
ICW Social Worker

Kathy Picard  
Region 1  
ICW Social Work Supervisor

Elisa Powell  
Region 2  
Social and Health Program Consultant

Linda Redman  
Region 6  
Area Administrator

Cassie Rosette  
Region 1  
ICW Social Worker

Robert Smith  
Region 6  
Social Work Supervisor

Betsy Tulee  
CA Headquarters  
ICW Program Manager

## **Executive Summary**

---

2009 Indian Child Welfare Case Review

Conducted September through November 2009

### **Background and Purpose:**

Washington State began a collaborative effort to develop an Indian Child Welfare (ICW) case review in 2005. This effort was led by Washington State Tribes, the Indian Policy Advisory Committee (IPAC), and the Children's Administration. The first statewide ICW case review occurred in 2007 and the second statewide ICW case review was held in the fall of 2009. The purpose of the ICW Case Review is to:

- Increase understanding of ICW requirements for CA staff
- Improve the quality of services to Indian children and families
- Facilitate quality improvement activities based on reliable ICW practice trends.

### **Process:**

A total of 217 ICW cases were reviewed in 2009. The review occurred at the regional level and utilized the same methodology, questions and decision rules from 2007 with some changes. The 2007 review included some cases that were under tribal care and authority. The 2009 review modified this for overall regional consistency reviewing only cases under state care and authority. The case review tool is comprised of 29 questions, divided into nine sections. All ICW compliance questions reference the CA ICW Manual and/or the Washington Tribal/State Agreement.

The review was led by the CA Central Case Review Team. There were a total of 34 participants on the regional review teams comprised of:

- 15 Tribal and Recognized American Indian Organization (RAIO) representatives
- 2 Office of Indian Policy program managers
- 17 CA regional ICW staff.

### **Key Practice Findings:**

There were two areas of progress (overall increase of 6% or higher from 2007 review).

#### **1. Inquiry of Native American Status:**

Asking both the mother and the father about possible Native American heritage, sending inquiry letters to all Tribes, and staffing the case at LICWAC if there was no response from the Tribe.

#### **2. Adequate Response to Safety:**

Adequately addressing all risk and safety concerns for children remaining in the home, or if placed, in the child's out of home placement.

There were five areas that remained the same (within 5% of the 2007 review).

#### **1. Engagement of Family and Tribes:**

Providing ongoing "active efforts" to engage the mother, the father, the child and the Tribe in major decision and the development of the case plan.

| 2. Maintaining Cultural Connections:

Identifying and encouraging the involvement of community services and resources specifically for Indian families, and if the child was placed, encouraging the child's participation in Tribal customs and activities.

| 3. Voluntary Placement Cases:

A Voluntary Placement Agreement (VPA) is rarely used for Indian children, but there was inconsistent practice in the compliance in the requirement of a court Validation Hearing.

| 4. Tribal Placement Preference:

Asking the Tribe for their placement preference for the child, opposed to informing the Tribe where the child was placed.

| 5. Meeting the Well-Being Needs of Children:

Adequate assessment and follow up to the child's physical health, education, mental health and developmental needs.

There were two areas that decreased (overall decrease of 6% or higher from 2007 review).

| 1. Notification to Tribes of Court Hearings

Compliance in notifying Tribes 15 working days prior to all court hearings.

| 2. Achieving Permanency

Sufficient and timely steps in the last year to achieve permanency.

**Systemic Issues:**

The review teams also identified the following systemic issues:

- Native American status was not updated in FamLink when new information is gathered from the parent, family or Tribe regarding Indian status.
- Need for updated policy clarification in the ICW Policy Manual
- Regional differences in who is responsible for notification to Tribes of court hearings
- Regional differences in utilizing LICWAC staffings

**Recommendations:**

Further collaboration with Tribes, RAIO representatives and CA to develop recommendations and a practice improvement plan based on the practice trends and systemic issues identified in the review.

- Convene a statewide ICW workgroup comprised of Tribes and regional representatives to identify goals and action plan steps.
- Develop regional and a state practice improvement plans for Washington State Indian Child Welfare.
- Implement the regional and state practice improvement plans.

## I. Inquiry of Indian Status: Statewide and Regional Results 2007-2009

The Children's Administration's (CA) Case Review Team has tracked compliance in the inquiry of Indian status on a large sample of cases regardless of identified race or ethnicity. The results below indicate the progress made during the last three years to ask both the mother and the father of possible Indian heritage on all cases served by CA. The number in parentheses is the total number of cases that were applicable.

Were efforts were made to discover the child's American Indian/Alaska Native/Canadian Indian status by asking the mother and father about Indian status?							
Year	Statewide Results	Regional Results					
		1	2	3	4	5	6
2007	67% (777)	73% (130)	72% (116)	74% (144)	49% (124)	58% (91)	71% (142)
2008	71% (668)	76% (198)	65% (57)	74% (83)	68% (117)	53% (40)	73% (173)
2009	73% (535)	90% (80)	80% (103)	73% (101)	61% (101)	49% (84)	86% (66)

## II. Purpose of the ICW Case Review

The purpose of the ICW case review is to assess in more detail ICW compliance and quality of practice in cases where a child may be Native American. In 2005 Washington State began a collaborative effort to develop the Indian Child Welfare (ICW) case review. This effort was led by Washington State Tribes, the Indian Policy Advisory Committee (IPAC), and Children's Administration (CA) staff. The first statewide ICW case review occurred in the summer of 2007 and this review created state and regional practice baselines on ICW compliance and quality of practice.

In the fall of 2009, the second statewide ICW Case Review occurred utilizing the same methodology, questions and decision rules. The second review identifies areas of statewide and regional practice improvement, as well as areas still needing improvement.

The purpose of ICW Case Review is to:

- Assist CA social work staff in understanding the Indian Child Welfare Act and the practice requirements outlined in the Washington State ICW manual.
- Improve the quality of services to Indian children and their families.
- Collaborate with Tribes and Recognized American Indian Organizations (RAIO) to evaluate and improve statewide ICW practice.
- Provide CA management, supervisors and social workers with reliable and meaningful data on current practice that will identify strengths and areas needing improvement.
- Facilitate quality improvement activities at the regional and statewide level.

### **III. ICW Case Review Model**

The ICW case review model utilizes questions and decision rules drafted by a workgroup that included Tribal partners, IPAC members, regional ICW staff and the Central Case Review Team.

The ICW Case Review is comprised of 29 questions that are divided into nine sections. Six sections apply directly to ICW compliance and the last three sections focus on Safety, Well Being and Permanency. All ICW compliance questions reference the Washington State ICW Manual and/or the Washington Tribal/State Agreement.

This model utilizes a blended team of reviewers comprised of Tribal and RAIO child welfare representatives, CA ICW staff, and the Central Case Review Team. All reviewers have a minimum of two years experience working in ICW, demonstrate excellence in social work practice and knowledge of ICW, and are recognized for having a culturally responsive and collaborative approach. Reviewers are required to attend training on the ICW Case Review model, questions and decision rules.

To enhance consensus building and ensure inter-rater reliability, each case is reviewed by two team members. After each regional review, a team debrief is held with Tribal, RAIO and CA reviewers to identify regional trends, systemic barriers to ICW practice, and provide feedback on the case review process. Ideas are shared for practice improvement.

The regional case review results are shared with CA managers and social workers at the close of the review in an exit meeting. Individual feedback sheets are developed by the reviewers on each case summarizing areas of strength and areas needing improvement. The feedback sheets are provided to the social worker, supervisor, and area administrators.

### **IV. Practice Improvement Activities from the 2007 Review**

As a result of the first ICW case review that occurred in 2007, practice improvement activities began at both the regional and statewide level. Regional and statewide reports were distributed to CA management, social work staff and Tribes. The statewide report included a number of systemic issues that were identified by the review teams. These issues included:

- Additional workload issues for ICW cases
- Need for an ICW Practice Guide
- Need for specialized ICW training
- Policy clarification within the ICW manual
- Regional differences in forms and methods of documenting ICW compliance
- Regional differences in utilizing Local Indian Child Welfare Advisory Committee (LICWAC) staffings
- FamLink enhancements to document ICW compliance

Tribes and CA regional management teams collaborated in the development of regional priorities for practice improvement. Statewide and regional improvements occurred as a result of the first ICW case review. These improvements included:



- A review of all components of ICW training occurred, including a curriculum review of the four day mandatory ICW training with the National Child Welfare Association (NICWA).
- Additional resources were allocated in some regions to add social workers and supervisors in ICW units, and staff who assist with family search and Tribal notification.
- Training was delivered to LICWAC teams and CA staff to support consistent and quality LICWAC staffings.
- A workgroup was established, comprised of DSHS and Tribal staff, to update CA ICW forms. The workgroup continues to meet on an ongoing basis.
- Components were developed to allow tribal access to CA's electronic information system, FamLink, as part of the Phase 2 rollout.
- A workgroup developed recommendations for FamLink enhancements to support CA compliance with ICW policies and procedures (ongoing).

## **V. Characteristics of the ICW Cases Reviewed in 2009**

### **A. Programs Reviewed**

A random sample of 217 Children's Administration cases was reviewed. Cases were eligible for the sample pull if the child or parent was identified as Native American in FamLink. Cases reviewed were open during one or more of the months of December 2008 through May 2009.

Cases in the program areas of Child Protective Services (CPS), Family Voluntary Services (FVS), Child and Family Welfare Services (CFWS), and Family Reconciliation Services (FRS) were reviewed.

<b>Region</b>	<b>CPS Cases</b>	<b>FVS Cases</b>	<b>CFWS Cases</b>	<b>FRS Cases</b>	<b>Total # of Cases</b>
<b>1</b>	10	10	15	0	35
<b>2</b>	21	7	8	0	36
<b>3</b>	12	8	16	0	36
<b>4</b>	12	8	15	0	35
<b>5</b>	13	7	17	0	37
<b>6</b>	16	5	15	2	38
<b>Total</b>	84	45	86	2	217

## **B. Tribal Affiliation of the Children Included in the Review**

The child's Tribal affiliation included all Tribes identified by a parent or family member including:

- Tribes that have determined the child's Indian status;
- Tribes with whom the child's Indian status was still pending;
- Tribes identified by a parent or family member, with whom inquiry of Indian status was not completed with the Tribe.

Some children had more than one identified Tribal affiliation which may have included both Washington State Tribes and/or other Tribes outside of Washington. In 103 out of 216 cases, the child had multiple Tribal affiliations.

In an effort to assess if there were practice and compliance differences when serving children from Washington State Tribes and children from out of state Tribes, children were identified as Indian children from one of the groups below.

<b>Tribal Affiliation of Child</b>	<b>Total # of Cases</b>
<b>Washington State Tribes</b>	71
<b>Out-of-State Tribes</b>	95
<b>Both Washington State and Out-of-State Tribes</b>	50
<b>Total</b>	216

There was one case in which the parent indicated Indian status but the Tribe was unknown.

## C. Washington State Tribes

There are 29 federally recognized Tribes in Washington State. The following chart identifies the Tribal affiliation of the children included in the review from federally recognized Washington State Tribes. Many children had multiple Tribal affiliations.

Washington State Federally Recognized Tribes		Total # of Children
<b>Region 1</b>	Confederated Tribes of the Colville Reservation	20
	Kalispel Tribe	0
	Spokane Tribe	2
<b>Region 2</b>	Confederated Tribes and Bands of the Yakama Nation	35
<b>Region 3</b>	Lummi Nation	17
	Nooksack Tribe	11
	Samish Indian Nation	0
	Sauk-Suiattle Tribe	0
	Stillaguamish Tribe	0
	Swinomish Indian Tribal Community	2
	Tulalip Tribes	5
	Upper Skagit Indian Tribe	1
<b>Region 4</b>	Muckleshoot Tribe	10
	Snoqualmie Indian Tribe	1
<b>Region 5</b>	Port Gamble S'Klallam Tribe	0
	Puyallup Tribe	7
	Suquamish Tribe	0
<b>Region 6</b>	Chehalis Confederated Tribes	3
	Cowlitz Tribe	3
	Hoh River Tribe	1
	Jamestown S'Klallam Tribe	1

	Lower Elwha Klallam Tribe	1
	Makah Tribe	7
	Nisqually Tribe	0
	Quileute Tribe	2
	Quinault Nation	13
	Shoalwater Bay Tribe	0
	Skokomish Tribal Nation	2
	Squaxin Island Tribe	2

## VI. State and Regional ICW Case Review Results

### A. Comparison of State and Regional Averages

The following results were the averages for each of the nine sections. Results below compare the 2007 statewide average to the 2009 statewide and regional averages. The results were the fully achieved averages in each of the nine sections. The average for each section was obtained through dividing the number of cases that were fully achieved for all questions in each section by the total number of applicable cases in that section.

The 2007 review included cases open to CA that were under Tribal court jurisdiction. After consultation with the Office of the Attorney General and CA ICW program managers, it was decided that the 2009 review would exclude cases in Tribal court, as Tribal court orders take precedence over the ICWA and CA ICW policy. This change may have led to a variance in some results.

Section		2007 State Results	2009 State Results	2009 Regional Results					
				1	2	3	4	5	6
1	<b>Inquiry of Indian Status</b> (Questions 1-6)	57%	68%	82%	64%	64%	58%	68%	73%
2	<b>Engagement of Family and Tribes</b> (Questions 7-13)	55%	52%	72%	46%	60%	45%	33%	58%
3	<b>Maintaining Cultural Connections</b> (Questions 14-17)	55%	56%	73%	43%	64%	44%	47%	58%
4	<b>Voluntary Placement</b> (Questions 18-21)	54%	55%	N/A	N/A	N/A	50%	60%	50%
5	<b>Dependency</b> (Questions 22-23)	45%	31%	41%	50%	36%	6%	18%	40%
6	<b>Tribal Placement Preference</b> (Questions 24-26)	74%	69%	70%	70%	78%	63%	78%	65%
7	<b>Safety</b> (Question 27)	69%	77%	83%	78%	72%	63%	87%	82%
8	<b>Well Being</b> (Question 28)	77%	73%	91%	80%	77%	51%	69%	68%
9	<b>Permanency</b> (Question 29)	81%	75%	84%	67%	56%	77%	81%	79%

## B. State and Regional Results for Each Case Review Question

Some questions had partially achieved ratings, and some did not. Partial compliance was used for some questions when half or more, but not all, of the required activities occurred.

### Section 1: Inquiry of Indian Status

Question #1	Were efforts made to discover the child's American Indian/Alaska Native/Canadian Indian/Metis status by asking the Father/Indian custodian and or the paternal relatives, about the child's Indian status?							
	2007 State Results	2009 State Results	2009 Regional Results					
			1	2	3	4	5	6
Fully Achieved	58%	72%	79%	80%	67%	63%	62%	77%
Total Applicable Cases	142	172	29	30	30	24	29	30

The percentages below break out the statewide results by the child's Tribal affiliation:

- 71% fully achieved (40 out of 56 cases) for Indian children from Washington State Tribes.
- 69% fully achieved (49 out of 71 cases) for Indian children from out-of-state Tribes.
- 77% fully achieved (34 out of 44 cases) for Indian children from both Washington and out-of state Tribes.

Question #2	Were efforts made to discover the child's American Indian/Alaska Native/Canadian Indian/Metis status by asking the mother/Indian custodian and or the maternal relatives about the child's Indian status?							
	2007 State Results	2009 State Results	2009 Regional Results					
			1	2	3	4	5	6
Fully Achieved	87%	97%	100%	94%	97%	94%	97%	97%
Total Applicable Cases	172	214	35	35	36	33	37	38

The percentages below break out the statewide results by the child's Tribal affiliation:

- 97% fully achieved (69 out of 71 cases) for Indian children from Washington State Tribes.
- 97% fully achieved (89 out of 92 cases) for Indian children from out-of-state Tribes.
- 98% fully achieved (49 out of 50 cases) for Indian children from both Washington and out-of state Tribes.

Question #3	If the parent(s) and/or relatives indicated American Indian/Alaska Native/Canadian Indian/Metis status, were inquiry letters sent to all Tribes or the Bureau of Indian Affairs (BIA) to determine the child's Indian status?							
	2007 State Results	2009 State Results	2009 Regional Results					
			1	2	3	4	5	6
Fully Achieved	51%	69%	83%	60%	56%	69%	65%	79%
Partially Achieved*	21%	19%	6%	29%	28%	26%	5%	18%
Total Applicable Cases	173	216	35	35	36	35	37	38

\* Cases were rated partially achieved when inquiry letters were sent to some, but not all of the Tribes.

The percentages below break out the statewide results by the child's Tribal affiliation:

- 72% fully achieved (51 out of 71 cases) for Indian children from Washington State Tribes.
- 65% fully achieved (62 out of 95 cases) for Indian children from out-of-state Tribes.
- 70% fully achieved (35 out of 50 cases) for Indian children from both Washington and out-of state Tribes.

Question #4	If the child's Tribe(s) was known, was the Tribe(s) contacted no later than one working day following discovery of the Tribe's identity?							
	2007 State Results	2009 State Results	2009 Regional Results					
			1	2	3	4	5	6
Fully Achieved	37%	40%	62%	15%	44%	27%	41%	50%
Total Applicable Cases	141	181	34	27	32	30	32	26

The percentages below break out the statewide results by the child's Tribal affiliation:

- 49% fully achieved (35 out of 71 cases) for Indian children from Washington State Tribes.
- 34% fully achieved (24 out of 70 cases) for Indian children from out-of-state Tribes.
- 35% fully achieved (14 out of 40 cases) for Indian children from both Washington and out-of state Tribes.

Question #5	If the Tribe(s) or BIA did not provide verification of Indian status within 30 days, was a second written request or telephone contact made with the Tribe(s) or BIA?							
	2007 State Results	2009 State Results	2009 Regional Results					
			1	2	3	4	5	6
Fully Achieved	33%	49%	82%	29%	33%	31%	86%	44%
Partially Achieved*	21%	13%	-	14%	22%	15%	-	19%
Total Applicable Cases	39	63	11	7	9	13	7	16

\* Cases were rated partially achieved when a second contact to verify Indian status was made with some, but not all Tribes.

The percentages below break out the statewide results by the child's Tribal affiliation:

- 58% fully achieved (7 out of 12 cases) for Indian children from Washington State Tribes.
- 45% fully achieved (14 out of 31 cases) for Indian children from out-of-state Tribes.
- 50% fully achieved (10 out of 20 cases) for Indian children from both Washington and out-of state Tribes.

Question #6	Was the case staffed at LICWAC, for determination of non-Indian status, if there was no response from the Tribe(s) or the child's Tribe was unknown?							
	2007 State Results	2009 State Results	2009 Regional Results					
			1	2	3	4	5	6
Fully Achieved	38%	46%	100%	100%	50%	0%	50%	50%
Total Applicable Cases	29	28	2	3	4	7	4	8

The percentages below break out the statewide results by the child's Tribal affiliation:

- 67% fully achieved (2 out of 3 cases) for Indian children from Washington State Tribes.
- 38% fully achieved (8 out of 21 cases) for Indian children from out-of-state Tribes.
- 75% fully achieved (3 out of 4 cases) for Indian children from both Washington and out-of state Tribes.



## Section 2: Engagement of Family and Tribe(s)

Question #7	If the child was a member of a Washington State Tribe(s), was the Tribe(s) contacted to discuss exclusive or concurrent jurisdiction within one working day?							
	2007 State Results	2009 State Results	2009 Regional Results					
			1	2	3	4	5	6
Fully Achieved	41%	32%	73%	5%	27%	42%	12%	46%
Partially Achieved*	11%	5%	-	11%	5%	8%	-	8%
Total Applicable Cases	66	98	15	19	22	12	17	13

\*Cases were rated partially achieved when the Washington State Tribe was contacted to discuss jurisdiction after one working day, but within ten days.

Question #8	Were ongoing “active efforts” made to involve the identified father(s)/Indian custodian and/or the paternal relatives in major decisions and in the development of the case plan?							
	2007 State Results	2009 State Results	2009 Regional Results					
			1	2	3	4	5	6
Fully Achieved	46%	48%	57%	52%	57%	41%	15%	61%
Partially Achieved	24%	18%	13%	13%	18%	14%	35%	14%
Total Applicable Cases	117	149	23	23	28	21	26	28

The percentages below break out the statewide results by the child’s Tribal affiliation:

- 52% fully achieved (23 out of 44 cases) for Indian children from Washington State Tribes.
- 48% fully achieved (32 out of 67 cases) for Indian children from out-of-state Tribes.
- 42% fully achieved (16 out of 38 cases) for Indian children from both Washington and out-of state Tribes.

Question #9	Were ongoing “active efforts” made to involve the mother/Indian custodian and/or the maternal relatives in major decisions and in the development of the case plan?							
	2007 State Results	2009 State Results	2009 Regional Results					
			1	2	3	4	5	6
Fully Achieved	70%	66%	79%	79%	71%	61%	41%	66%
Partially Achieved	17%	26%	21%	17%	23%	23%	38%	31%
Total Applicable Cases	131	192	28	29	35	31	34	35

The percentages below break out the statewide results by the child’s Tribal affiliation:

- 67% fully achieved (42 out of 63 cases) for Indian children from Washington State Tribes.
- 65% fully achieved (55 out of 85 cases) for Indian children from out-of-state Tribes.
- 66% fully achieved (29 out of 44 cases) for Indian children from both Washington and out-of state Tribes.

Question #10	Were ongoing “active efforts” made to involve the child(ren) in major decisions and in the development of the case plan?							
	2007 State Results	2009 State Results	2009 Regional Results					
			1	2	3	4	5	6
Fully Achieved	56%	48%	58%	47%	70%	25%	42%	60%
Partially Achieved	24%	30%	25%	37%	10%	31%	42%	20%
Total Applicable Cases	72	91	12	19	10	16	19	15

The percentages below break out the statewide results by the child’s Tribal affiliation:

- 50% fully achieved (16 out of 32 cases) for Indian children from Washington State Tribes.
- 56% fully achieved (24 out of 43 cases) for Indian children from out-of-state Tribes.
- 25% fully achieved (4 out of 16 cases) for Indian children from both Washington and out-of state Tribes.

Question #11	Were there ongoing “active efforts” to include the child’s Tribe(s) in case planning?							
	2007 State Results	2009 State Results	2009 Regional Results					
			1	2	3	4	5	6
Fully Achieved	47%	43%	77%	4%	53%	36%	38%	44%
Partially Achieved	21%	25%	17%	46%	16%	10%	38%	30%
Total Applicable Cases	131	173	30	24	32	31	29	27

The percentages below break out the statewide results by the child’s Tribal affiliation:

- 50% fully achieved (32 out of 64 cases) for Indian children from Washington State Tribes.
- 37% fully achieved (26 out of 70 cases) for Indian children from out-of-state Tribes.
- 44% fully achieved (17 out of 39 cases) for Indian children from both Washington and out-of state Tribes.

Question #12	Were there ongoing “active efforts” to provide social services to the family to maintain the child in the parental home or allow the child to safely return home?							
	2007 State Results	2009 State Results	2009 Regional Results					
			1	2	3	4	5	6
Fully Achieved	64%	63%	79%	70%	74%	52%	39%	63%
Partially Achieved	25%	26%	17%	22%	20%	30%	33%	29%
Total Applicable Cases	118	192	29	27	35	33	33	35

The percentages below break out the statewide results by the child’s Tribal affiliation:

- 63% fully achieved (40 out of 64 cases) for Indian children from Washington State Tribes.
- 64% fully achieved (54 out of 84 cases) for Indian children from out-of-state Tribes.
- 59% fully achieved (26 out of 44 cases) for Indian children from both Washington and out-of state Tribes.

Question #13	If the Tribe(s) or LICWAC did not agree with the department's case plan for the child, was an impasse staffing held?							
	2007 State Results	2009 State Results	2009 Regional Results					
			1	2	3	4	5	6
Fully Achieved	-	-	-	-	-	-	-	-
Partially Achieved	-	-	-	-	-	-	-	-
Total Applicable Cases	<i>No applicable cases</i>	<i>No applicable cases</i>	<i>No applicable cases</i>	<i>No applicable cases</i>	<i>No applicable cases</i>	<i>No applicable cases</i>	<i>No applicable cases</i>	<i>No applicable cases</i>

This question was intended to measure if the impasse procedures outlined in the Washington State ICW manual are being adhered to when the Tribe and/or LICWAC did not agree with the department's case plan.

For both the 2007 and the 2009 ICW case reviews, there were no cases that documented an impasse. For 2009, there were several cases in which it appeared that the Tribe did not agree with the department's case plan. However, rather than utilizing the impasse procedure, the Tribe took jurisdiction of the case, the case transferred to Tribal court and the case plan changed direction.

### Section 3: Maintaining Cultural Connections

Question #14	Were “active efforts” made to identify and encourage the involvement of community services and resources specifically for Indian families?							
	2007 State Results	2009 State Results	2009 Regional Results					
			1	2	3	4	5	6
Fully Achieved	49%	44%	63%	26%	53%	39%	35%	42%
Partially Achieved	12%	14%	17%	17%	10%	24%	7%	10%
Total Applicable Cases	138	176	30	23	30	33	29	31

The percentages below break out the statewide results by the child’s Tribal affiliation:

- 66% fully achieved (39 out of 59 cases) for Indian children from Washington State Tribes.
- 28% fully achieved (22 out of 78 cases) for Indian children from out-of-state Tribes.
- 41% fully achieved (16 out of 39 cases) for Indian children from both Washington and out-of state Tribes.

Question #15	If the child was placed in out-of-home care, were there ongoing efforts to encourage and support the child’s contact with his/her parents and extended family members?							
	2007 State Results	2009 State Results	2009 Regional Results					
			1	2	3	4	5	6
Fully Achieved	69%	78%	88%	78%	94%	62%	64%	78%
Partially Achieved	23%	17%	12%	22%	6%	23%	18%	22%
Total Applicable Cases	94	102	17	9	18	13	22	23

The percentages below break out the statewide results by the child’s Tribal affiliation:

- 83% fully achieved (24 out of 29 cases) for Indian children from Washington State Tribes.
- 76% fully achieved (38 out of 50 cases) for Indian children from out-of-state Tribes.
- 74% fully achieved (17 out of 23 cases) for Indian children from both Washington and out-of state Tribes.

Question #16	If the child was placed in out-of-home care, were ongoing efforts made to encourage and support the child's participation in Tribal customs and activities?							
	2007 State Results	2009 State Results	2009 Regional Results					
			1	2	3	4	5	6
Fully Achieved	51%	46%	63%	0%	50%	46%	50%	40%
Partially Achieved	6%	10%	6%	0%	6%	23%	14%	5%
Total Applicable Cases	95	93	16	6	16	13	22	20

The percentages below break out the statewide results by the child's Tribal affiliation:

- 56% fully achieved (15 out of 27 cases) for Indian children from Washington State Tribes.
- 39% fully achieved (18 out of 46 cases) for Indian children from out-of-state Tribes.
- 50% fully achieved (10 out of 20 cases) for Indian children from both Washington and out-of state Tribes.

Question #17	Was the case staffed with LICWAC for case planning if the child's Tribe(s) was not available, unknown or the Tribe(s) requested the case be staffed with the LICWAC?							
	2007 State Results	2009 State Results	2009 Regional Results					
			1	2	3	4	5	6
Fully Achieved	55%	75%	91%	88%	67%	25%	40%	86%
Partially Achieved	8%	2%	-	-	-	-	-	7%
Total Applicable Cases	62	48	11	8	6	4	5	14

The percentages below break out the statewide results by the child's Tribal affiliation:

- 100% fully achieved (12 cases) for Indian children from Washington State Tribes.
- 63% fully achieved (17 out of 27 cases) for Indian children from out-of-state Tribes.
- 78% fully achieved (7 out of 9 cases) for Indian children from both Washington and out-of state Tribes.

## Section 4: Voluntary Placement

Question #18	If the child was placed under a Voluntary Placement Agreement (VPA), was a court Validation Hearing was held?							
	2007 State Results	2009 State Results	2009 Regional Results					
			1	2	3	4	5	6
Fully Achieved	100%	17%	N/A	N/A	N/A	0%	33%	0%
Total Applicable Cases	4	6	0	0	0	1	3	2

The percentages below break out the statewide results by the child's Tribal affiliation:

- 0% fully achieved (1 case) for Indian children from Washington State Tribes.
- 0% fully achieved (0 out of 4 cases) for Indian children from out-of-state Tribes.
- 100% fully achieved (1 case) for Indian children from both Washington and out-of state Tribes.

Question #19	If there was a court Validation Hearing, was the Tribe(s) notified at least five (5) business days in advance of filing the Petition for Validation?							
	2007 State Results	2009 State Results	2009 Regional Results					
			1	2	3	4	5	6
Fully Achieved	25%	100%	N/A	N/A	N/A	N/A	100%	N/A
Partially Achieved*	25%	-	N/A	N/A	N/A	N/A	-	N/A
Total Applicable Cases	4	1	0	0	0	0	1	0

\*Cases were rated partially achieved when the Tribe was notified less than five business days prior to filing the Petition for Validation.

The percentages below break out the statewide results by the child's Tribal affiliation:

- No cases for Indian children from Washington State Tribes.
- No cases for Indian children from out-of-state Tribes.
- 100% fully achieved (1 case) for Indian children from both Washington and out-of state Tribes.

Question #20	Were copies of the Voluntary Placement Agreement (VPA) sent to the non-consenting parent/Indian custodian prior to filing the Petition of Validation with the court?							
	2007 State Results	2009 State Results	2009 Regional Results					
			1	2	3	4	5	6
Fully Achieved	25%	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Total Applicable Cases	4	0	0	0	0	0	0	0

The percentages below break out the statewide results by the child's Tribal affiliation:

- No cases for Indian children from Washington State Tribes.
- No cases for Indian children from out-of-state Tribes.
- No cases for Indian children from both Washington and out-of state Tribes.

Question #21	If the parent withdrew their consent to the Voluntary Placement Agreement (VPA), was the child returned to the parent's care or taken into custody?							
	2007 State Results	2009 State Results	2009 Regional Results					
			1	2	3	4	5	6
Fully Achieved	100%	100%	N/A	N/A	N/A	100%	100%	100%
Total Applicable Cases	1	4	0	0	0	1	1	2

The percentages below break out the statewide results by the child's Tribal affiliation:

- No cases for Indian children from Washington State Tribes.
- 100% fully achieved (3 cases) for Indian children from out-of-state Tribes.
- 100% fully achieved (1 case) for Indian children from both Washington and out-of state Tribes.



## Section 5: Dependency

Question #22	Was the child's Federally Recognized Tribe(s), Band or Nation or the BIA, if the child's Tribe is unknown, notified 15 working days prior to all court hearings?							
	2007 State Results	2009 State Results	2009 Regional Results					
			1	2	3	4	5	6
Fully Achieved	43%	22%	38%	33%	30%	0%	10%	25%
Partially Achieved*	20%	30%	25%	17%	35%	7%	30%	46%
Total Applicable Cases	89	100	16	6	20	14	20	24

\* Cases were rated partially achieved when the Tribe was notified 15 working days in half or more of the court hearings, or when a Tribal representative was present at the court hearing, but it could not be determined when the Tribe was notified.

The percentages below break out the statewide results by the child's Tribal affiliation:

- 20% fully achieved (*6 out of 30 cases*) for Indian children from Washington State Tribes.
- 22% fully achieved (*11 out of 50 cases*) for Indian children from out-of-state Tribes.
- 25% fully achieved (*5 out of 20 cases*) for Indian children from both Washington and out-of state Tribes.

Question #23	If the child's parent(s)/ Indian custodian or Tribe requested a transfer of jurisdiction to Tribal court, did the department support the request?							
	2007 State Results	2009 State Results	2009 Regional Results					
			1	2	3	4	5	6
Fully Achieved	83%	93%	100%	100%	100%	50%	100%	100%
Total Applicable Cases	6	15	1	2	2	2	2	6

The percentages below break out the statewide results by the child's Tribal affiliation:

- 89% fully achieved (*8 out of 9 cases*) for Indian children from Washington State Tribes.
- 100% fully achieved (*2 cases*) for Indian children from out-of-state Tribes.
- 100% fully achieved (*4 cases*) for Indian children from both Washington and out-of state Tribes.

## Section 6: Tribal Placement Preference

Question #24	Was the Tribe(s) asked for their placement preference regarding the child?							
	2007 State Results	2009 State Results	2009 Regional Results					
			1	2	3	4	5	6
Fully Achieved	59%	51%	53%	50%	50%	46%	67%	38%
Partially Achieved*	7%	6%	13%	-	11%	-	5%	5%
Total Applicable Cases	86	94	15	6	18	13	21	21

\*Cases were rated partially achieved when some but not all of the Tribes were asked their placement preference for the child.

The percentages below break out the statewide results by the child's Tribal affiliation:

- 63% fully achieved (*17 out of 27 cases*) for Indian children from Washington State Tribes.
- 42% fully achieved (*19 out of 45 cases*) for Indian children from out-of-state Tribes.
- 55% fully achieved (*12 out of 22 cases*) for Indian children from both Washington and out-of state Tribes.

Question #25	Was the placement recommendation of the child's Tribe(s) followed?							
	2007 State Results	2009 State Results	2009 Regional Results					
			1	2	3	4	5	6
Fully Achieved	91%	96%	89%	100%	91%	100%	100%	100%
Total Applicable Cases	44	45	9	3	11	5	8	9

The percentages below break out the statewide results by the child's Tribal affiliation:

- 93% fully achieved (*14 out of 15 cases*) for Indian children from Washington State Tribes.
- 94% fully achieved (*17 out of 18 cases*) for Indian children from out-of-state Tribes.
- 100% fully achieved (*12 cases*) for Indian children from both Washington and out-of state Tribes.

Question #26	Were the relatives, identified by the Tribe(s), assessed as to their appropriateness as a placement resource?							
	2007 State Results	2009 State Results	2009 Regional Results					
			1	2	3	4	5	6
Fully Achieved	89%	83%	83%	100%	75%	67%	88%	100%
Partially Achieved*	3%	8%	-	-	-	33%	12%	-
Total Applicable Cases	37	36	6	1	8	6	8	7

\* Cases were rated partially achieved when some but not all of the relatives identified by the Tribe were assessed as to their appropriateness as a placement resource.

The percentages below break out the statewide results by the child's Tribal affiliation:

- 93% fully achieved (*13 out of 14 cases*) for Indian children from Washington State Tribes.
- 85% fully achieved (*11 out of 13 cases*) for Indian children from out-of-state Tribes.
- 67% fully achieved (*6 out of 9 cases*) for Indian children from both Washington and out-of state Tribes.

## Section 7: Safety

This section measures if there was an adequate response to risk of harm either in the child's home or in out-of home care through the following activities when appropriate:

- Thorough investigative activities
- Responding to safety concerns identified by the child's Tribe
- Offering or providing services targeted at the identified risk in the family
- Safety planning
- Adequate monitoring of the children
- Removing the child from the home when necessary
- Assessing and responding to safety concerns in the child's out of home placement
- Completion of background clearances as needed

Question #27	Were efforts made to adequately assess and address the risk and safety concerns for the child(ren)?							
	2007 State Results	2009 State Results	2009 Regional Results					
			1	2	3	4	5	6
Fully Achieved	69%	77%	83%	78%	72%	63%	87%	82%
Total Applicable Cases	168	217	35	36	36	35	37	38

The percentages below break out the statewide results by the child's Tribal affiliation:

- 76% fully achieved (*54 out of 71 cases*) for Indian children from Washington State Tribes.
- 77% fully achieved (*73 out of 95 cases*) for Indian children from out-of-state Tribes.
- 80% fully achieved (*40 out of 50 cases*) for Indian children from both Washington and out-of state Tribes.

## Section 8: Well-Being

The Well-Being section measures if the child's needs were adequately assessed, and if needs were identified for the child, was there was adequate follow up to address the child's needs. This may be through additional assessments or by offering or providing services in the following domains when relevant to the case:

- Physical health
- Education
- Mental health
- Developmental delays
- Other identified needs.

Question 28:	Were the needs of the child adequately assessed, and were appropriate services offered or provided to meet the child's needs?							
	2007 State Results	2009 State Results	2009 Regional Results					
			1	2	3	4	5	6
Fully Achieved	77%	73%	91%	80%	77%	51%	69%	68%
Partially Achieved	11%	21%	6%	17%	17%	31%	27%	26%
Total Applicable Cases	159	213	35	35	35	35	35	38

The percentages below break out the statewide results by the child's Tribal affiliation:

- 74% fully achieved (51 out of 69 cases) for Indian children from Washington State Tribes.
- 73% fully achieved (68 out of 93 cases) for Indian children from out-of-state Tribes.
- 70% fully achieved (35 out of 50 cases) for Indian children from both Washington and out-of state Tribes.

## Section 9: Permanency

This section measures if in the last year, sufficient and timely steps were taken to complete the permanent plan of:

- Return home
- Guardianship
- Adoption
- Customary Adoption
- Third party custody with relatives
- Long Term Foster Care Agreement
- Independent Living

Question #29	If the child was in care over 60 days, were there sufficient and timely steps taken to complete the permanent plan?							
	2007 State Results	2009 State Results	2009 Regional Results					
			1	2	3	4	5	6
Fully Achieved	81%	75%	84%	67%	56%	77%	81%	79%
Total Applicable Cases	99	104	19	9	18	13	21	24

The percentages below break out the statewide results by the child's Tribal affiliation:

- 76% fully achieved (*22 out of 29 cases*) for Indian children from Washington State Tribes.
- 78% fully achieved (*40 out of 51 cases*) for Indian children from out-of-state Tribes.
- 67% fully achieved (*16 out of 24 cases*) for Indian children from both Washington and out-of state Tribes.

## VII. Kinship and Foster Care Placement

According to the Report on Racial Disproportionality in Washington State, Native American children are more likely to be removed from home, and remain in care for over two years.

In accordance with the Indian Child Welfare Act, CA ICW policy establishes the following order of placement preference for Indian children:

- A member of the child's extended family (see definition of kinship care)
- A foster home licensed, approved, or specified by the child's Tribe
- An Indian foster home licensed or certified by DSHS (one of the foster parents is a member of a federally recognized Indian Tribe, Alaska Native or Canadian First Nations)

A component was added to the 2009 Indian Child Welfare case review on type of placement. This element documents whether children in the case review sample were placed in kinship care versus placed in foster care.

Placement Type	Kinship and Foster Care by Region						
	Statewide	2009 Regional Results					
		1	2	3	4	5	6
Kinship Care	52% (54)	63% (12)	11% (1)	39% (7)	54% (7)	76% (16)	42% (10)
Foster Care	48% (50)	37% (7)	89% (8)	61% (11)	46% (6)	24% (5)	58% (14)
Total # of children	104	19	9	18	13	21	24

### Definitions:

#### Kinship care

Placement of a child with:

- An adult who is the Indian child's grandparent, aunt, uncle, brother, sister, brother-in-law, sister-in-law, niece, nephew, first or second cousin, or step-parent, even following termination of the marriage;
- An individual, defined by the law or custom of the child's Tribe, as a relative of the child;
- An individual, not related by blood or marriage, who has taken an active part in the care giving of the child and for whom the child has developed a sustained psychological bond.

#### Foster care

Placement of a child in a home or facility that is required to be licensed or state certified.

## VIII. Statewide ICW Trends

To identify areas of progress, areas remaining the same and areas of decrease, the 2009 statewide average for each section was compared to the 2007 statewide average (Section VI). The following criteria was utilized:

Areas of Progress: Sections that showed and overall increase 6% or higher.  
Areas Remaining the Same: Sections that were within 5%  
Areas Showing a Decrease: Sections that showed an overall decrease of 6% or higher.

Comparison of the 2007 and 2009 averages for the nine ICW sections indicate the following trends:

- Two areas showed progress
- Five areas remained the same
- Two areas showed a decrease

A change to the 2009 ICW case review should be considered when comparing 2007 results to 2009 results. Cases in Tribal Court, with CA retaining case management responsibilities, were included in the 2007 ICW case review, but were excluded in the 2009 review after consultation with the Office of the Attorney General. This decision was made in acknowledgement that the ICWA and CA Policy do not apply to Tribal Governments. In 2007, Tribal Court cases included in the review were rated fully achieved for the practice areas of: active efforts to engage the Tribe, maintaining cultural connections, notification to the Tribe of all court hearings, and asking the Tribe for placement preference. This change may have led to lower 2009 results in those practice areas.

### A. Areas of Progress

#### 1. Inquiry of Indian Status

Results from all six regions indicated improvement in the compliance of all aspects of the Native American inquiry process. This included asking both the mother and the father about Native American heritage, sending inquiry letters to all identified Tribes, sending second inquiry letters when required, and staffing the case at LICWAC if there was no response from the Tribe or the Tribe was unknown.

#### 2. Safety

Results from five out of six regions indicated improvement in the ongoing assessment of risk, and adequately addressing all risk and safety concerns for children remaining in the home, or if placed, in the child's out-of home placement.

There was improvement in the thoroughness of investigative activities, of timely and adequate responses to safety concerns, offering or providing services targeted at the identified risk in the family, appropriate safety planning and monitoring, and completion of background clearances as needed.



## **B. Areas Remaining the Same**

### **1. Engagement of the Family and Tribe(s)**

Results from three out of six regions indicated improvement from the 2007 statewide average in the engagement with the family and Tribe, and three regions showed a decrease.

This section measured ongoing “active efforts” to engage the mother, father, child and Tribe in major decisions and in the development of the case plan. While “active efforts” were rated lower, there was an increase in the partially achieved ratings for most questions that indicated “reasonable efforts” were made but those efforts did not meet the ICWA standard for “active efforts”.

A trend was noted that for children who are members of a Washington State Tribe, a discussion regarding exclusive or concurrent jurisdiction with the Tribe was not consistently documented, and there was no evidence that there was a current written protocol with the office or region that addressed jurisdictional issues.

### **2. Maintaining Cultural Connections**

Results from three out of six regions indicated improvement from the 2007 statewide average in maintaining cultural connections, and three regions showed a decrease.

Practice areas needing improvement included documenting that “active efforts” were made to identify and encourage the involvement of community services and resources specifically for Indian families. When the child was placed, “active efforts” to encourage the child’s participation in Tribal customs and activities was also an area for further improvement.

A practice area that showed improvement was staffing the case at LICWAC for case planning if the child's Tribe was not available, unknown, or the Tribe requested the case be staffed with LICWAC. Another improved practice area was maintaining the child’s contact with his/her parents and extended family members when the child was placed in out of home care.

### **3. Voluntary Placements**

A Voluntary Placement Agreement (VPA) is rarely utilized for Indian children served by CA. There were six cases across the state in which an Indian child was placed in out-of-home care under a VPA. In one out of the six cases there was documentation that a Validation Hearing was held.

When the parent withdrew their consent for the VPA, the child was safely returned to the parent’s care.

### **4. Tribal Placement Preference**

A practice area needing improvement was asking the Tribe for their placement preference. In some cases there was evidence that the Tribe was informed of where the child was placed, but the Tribe was not asked for their placement preference.

When CA and the Tribe were working the case concurrently and the Tribe was asked for their placement preference, the Tribe's placement recommendations were followed in almost all cases.

#### **5. Well-Being**

Adequate assessment of the child's needs and follow up to address any identified needs remained a strong practice area in three regions and an area needing improvement in three regions. This included assessment of a child's physical health, education, mental health, and developmental needs.

### **C. Areas Showing a Decrease**

#### **1. Dependency**

An area needing improvement in all six regions was documenting that the child's Tribe, Band, Nation or the BIA was notified 15 working days prior to all court hearings. There were some cases in which the court order documented that a Tribal representative was present at the hearing, however it was unclear how and when the Tribe received notice. These cases were rated partially achieved.

#### **2. Permanency**

In five out of six regions there was a decrease in sufficient and timely steps in the last year to achieve permanency. There were 104 children included in the review that were placed in out-of-home care.

## **IX. Systemic Factors Identified**

A team debrief meeting was held at the close of each regional ICW review that included both Tribal and CA reviewers to discuss statewide ICW systemic issues and system improvements. There were new systemic factors identified in 2009, and some of the issues initially identified in the 2007 case review remain current barriers to completing ICW requirements.

### **A. Documentation of the Child's Native American Heritage in FamLink**

1. Identification of Native American Children in FamLink is not accurate. This has implications for the disproportionality data for Native American Children in care. Many children remain Indian in FamLink after a response from the Tribe is received determining that the child is not a member or eligible for membership with the Tribe. Conversely, a number of children are not identified as Indian in FamLink, after a response is received from the Tribe determining the child is Indian. FamLink is not updated with the correct ICW status.
2. The recently revised Indian Identity Request form, required in all cases, serves as the main documentation of inquiry with the family as to possible Native American heritage for a child. This form is not available in FamLink.

#### **Recommendations:**

- The supervisor (or designee) confirms the accuracy of the child's Indian heritage on the child's person management page (ICW tab) in FamLink at key points in the case, such as case transfer and ISSP updates.
- Include the Indian Identity Request form in FamLink Release 2

## **B. Policy Clarifications**

1. The Washington State ICW Manual requires "if the social worker knows the identity of the child's Tribe, the social worker contacts all Tribe(s) by telephone as quickly as possible, and in no event later than one working day following discovery of the Tribe's identity." There remain multiple interpretations as to when the child's Tribe is known which include:
  - After the inquiry process is completed and CA receives confirmation from the Tribe of the child's status
  - Documentation exists in the case record of a child's Tribal enrollment or membership status
  - A family member reports enrollment or membership status with a specific Tribe but the child's status is not known.
2. Clarification is needed if contact with the Tribe within one working day starts from the point the intake is received, or at case assignment. Clarification is also needed regarding notification of screened out intakes.
3. Currently there are no time requirements identified in policy for sending inquiry letters to the Tribe after the family indicates Native American status on the Indian Identity Request form.

### **Recommendations:**

- Clarify policy regarding when contact with the child's Tribe within one working day is required.
- Clarify in policy if notification to the child's Tribe is required on screened out intakes.
- Include in policy, timeframes for sending inquiry letters to all identified Tribes

### ***ICW Manual 03.30 Identification of the Child's Indian Status***

*A. If the social worker knows the identity of the child's Tribe(s), the social worker contacts all Tribe(s) by telephone as quickly as possible, and in no event later than one working day following discovery of the Tribe's identity. The social worker follows the telephone call with a written request for verification of the child's Indian status.*

## **C. Notification to the Tribe of Court Hearings**

1. Documentation of legal notice to the child's Tribe within 15 business days for all court hearings was not located in the majority of dependency cases. The responsibility for sending notification to the Tribe was inconsistent between regions and between counties within the same region. In different counties, the Attorney General's office, the Court or CA staff notified the Tribe. There was inconsistent practice regarding if notice was sent by registered mail, return receipt, as well as by regular mail as required by policy.

### **Recommendations:**

- Establish protocols at the county, regional or statewide level to standardize notification to Tribes of court hearings. The protocol would include who notifies the tribe, whether registered mail is required, and how this is documented in the case record.

***ICW Manual 06.651: Legal Proceedings***

*D. The social worker follows the notification procedures below.*

*2. After the social worker or the worker's legal representative files the dependency petition, the worker immediately arranges for formal Notice and Summons, issued by the Court Clerk and Notice to Federally Recognized Indian Tribe, Band, or Nation, to the Tribes of which the child may be eligible for membership.*

*a. The social worker arranges for notification to the Tribe's address as listed in Chapter 12 in this manual. The social worker obtains a specific name and address of a tribal representative and sends a copy of the notification directly to that person, by registered mail, return receipt requested, as well as by regular mail.*

*b. If the child is a member of or eligible to be a member of more than one Tribe, the social worker arranges for notification to all such Tribes, following the steps in paragraph "a," above, and follows up with telephone calls.*

**D. LICWAC**

1. There are regional differences regarding the utilization of LICWAC staffings. In some cases, the child's Tribe indicated they wished to be involved in ongoing case planning, and the case continued to be staffed with both the Tribe and LICWAC or LICWAC only. Conversely, LICWAC staffings for case planning were held after the Tribe determined the child was not affiliated with the Tribe.

**Recommendations:**

- Offer additional training to LICWAC teams and CA staff to support consistent and quality LICWAC staffings
- Develop a statewide standardized LICWAC form that documents the child's current tribal affiliation and status of Tribal involvement.

***ICW Manual 10.1 D - Purpose of LICWAC***

1. *Advise CA on case planning and services for Indian children and their families when the child or family's Tribe, Band, or Canadian First Nations is unavailable.*
2. *Encourage the preservation of Indian families and Tribes by ensuring CA and private agency compliance with ICWA, state law, ICW WAC requirements, and the Tribal-State agreement.*
3. *Encourage involvement by Tribal governments and Indian Organizations in case planning for Indian children.*
4. *Ensure culturally relevant resources are offered to Indian children and their families to prevent out-of-home placement or expedite reunification efforts, including in-home family support services whenever possible; and to identify gaps in services for Indian children to the DCFS Regional Administrator.*
5. *Ensure increased participation of families, foster parents, and children in the review process.*
6. *Support the efforts of Tribes to exercise self-determination in Indian Child Welfare matters.*
7. *Advocate for the needs of Indian children in the development and monitoring of all CA/private agency case plans involving Indian children.*
8. *Provide case planning advice and consultation when the Indian child's Tribe, Band, or Canadian First Nations declines involvement, withdraws from involvement, or requests that the LICWAC be involved with the case in behalf of the Tribe, Band, or Canadian First Nations.*

## **E. Impasse Procedures**

1. There are impasse procedures outlined in the Washington State ICW Manual when the Tribe or LICWAC does not agree with the CA case plan. There are likely case planning disagreements between CA and the Tribe or LICWAC, however disagreements are not documented in the case record. It is not possible to ensure that the impasse procedures are followed when there is no mechanism to track if and when CA and the Tribe agree on the case plan.

### **Recommendations:**

- Establish training for CA staff and Tribal representatives regarding impasse procedures
- Establish consistent methods of periodic documentation of CA and Tribal agreement of the case plan, such as including the Tribes recommendations in the ISSP.
- Encourage consistent notification to Tribes of shared planning and Family Team Decision Making (FTDM) staffings and documentation of the Tribes agreement or disagreement with the case plan

### ***ICW Manual 01.50 Impasse Procedures***

*If the LICWAC does not agree with the CA social worker's case plan for the Indian child, CA and the LICWAC implement the following procedures to resolve the impasse. If the child's Tribe does not agree with the case plan for the Indian child, who is a member or eligible for membership in the particular Tribe, the Tribe may utilize the procedures to resolve the impasse. CA does not intend to apply the impasse procedures to disagreements about a specific service or service provider.*

1. *CA encourages the LICWAC or the child's Tribe to first seek resolution of issues with the social worker's supervisor prior to invoking these procedures.*
2. *For cases where the LICWAC or the child's Tribe does not assess the child to be at imminent harm, the timeframes contained in these procedures may be extended if CA and the LICWAC or the Tribe mutually agrees to the extension.*
3. *Within one work day after the LICWAC or the Tribe determines that an impasse exists, the LICWAC Chair or tribal designee will notify the CA Area Manager or DLR Regional Manager, as applicable, who will schedule an impasse staffing. The LICWAC Chair or tribal designee may deliver the notice by fax, e-mail, in writing, or telephone and should include all major points of disagreement so that each issue can obtain resolution. Following any verbal notice, the CA social worker needs to request a written statement from the LICWAC Chair or Tribe.*

## **X. Future Practice Improvement Activities**

There will be continued collaboration between Washington State Tribes, RAIOS, IPAC and CA to identify key priorities and develop a practice improvement plan based on the practice trends and systemic issues identified in the review. Through this process, an action plan, including strategies for improvement, will be developed at the regional and statewide level